

Notice of Allowability

Application No.

09/991,693

Applicant(s)

BEALS, THOMAS P.

Examiner

Joon H. Hwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a telephone interview with David R. Marsh (Reg. No. 41,408) on 8/2/05.
2. ☒ The allowed claim(s) is/are 13 and 14 (renumbered as 1 and 2).
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

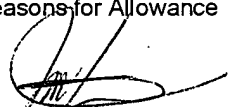
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. -
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JEAN M. CORRIELLUS
PRIMARY EXAMINER

RD

DETAILED ACTION

1. Applicant's arguments, see Appeal Brief, filed on 4/25/05, with respect to claims 13-14 have been fully considered and are persuasive. The rejection of claims 13-14 has been withdrawn.

The pending claims are 13-14.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with David R. Marsh (Reg. No. 41,408) on 8/2/05.

The application has been amended as follows:

Please rewrite lines 3-11 on page 14 of the **specification** as follows:

"In a further embodiment, shown in Figure 6b, the computer system can also include a secondary memory 710. The secondary memory 710 can include, for example, a hard disk drive 712 and/or a removable storage drive 714, representing a floppy disk drive, a magnetic tape drive, or an optical disk drive, among others. The removable storage drive 714 reads from and/or writes to a removable storage device 718 in a well known manner. The removable storage device 718, represents, for example, a floppy disk, magnetic tape, or an optical disk, which is read by and written to

by the removable storage drive 714. As will be appreciated, the removable storage device 718 includes a computer usable storage medium having stored therein computer software and/or data."

Rewrite claim 13 as follows:

"13. A method for organizing information in a database in order to record information from an RNA transcript profiling laboratory procedure, comprising:

defining a set of container types, wherein container types in said set of container types each have one or more positions capable of having content and wherein said set of container types comprises members selected from a group consisting of an eppendorf tube, a 96 well plate, a transcript profiling array, a freezer, a data recording media screen, and a bitmap image of a data recording media screen;

defining a set of operation types, wherein said set of operation types comprises members selected from a group consisting of printing arrays, reading out a data recording media screen, creation of a plate for PCR, and a robot run that transfers content from one container to another;

defining a set of measurement types, wherein said set of measurement types comprises members selected from a group consisting of OD₆₀₀ of a bacterial plate, OD₂₆₀ of a DNA solution, intercalating agent quantitation of PCR product, agarose gel quantitation of PCR product, mRNA quantitation, and readout signal for each position in an array;

defining a set of process types, wherein said set of process types comprises members selected from a group consisting of incubating, PCR cycling, denaturing arrays, prepare probe from RNA, hybridize probe with array, incubate data recording media screens, and readout data recording screen;

performing one or more operations of said set of operation types, wherein performing any one of said operations creates one or more new containers with a unique identifier, and wherein said one or more new containers with a unique identifier is one of said container types in said set of container types;

performing one or more processes of said set of process types on said one or more new containers, wherein performing any one of said processes changes a state in said one or more new containers; and

performing one or more measurements of said set of measurement types, wherein performing any one of said measurements results in associating data with content in said one or more new containers.”

Allowable Subject Matter

4. Claims 13-14 are allowed.

Reason For Indicating Allowable Subject Matter

Claim 13 identify the distinct features, defining a set of container types consisting of an eppendorf tube, a 96 well plate, a transcript profiling array, a freezer, a data recording media screen, and a bitmap image of a data recording media screen; defining a set of operation types consisting of printing arrays, reading out a data recording media

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screen, creation of a plate for PCR, and a robot run that transfers content from one container to another; defining a set of measurement types consisting of OD₆₀₀ of a bacterial plate, OD₂₆₀ of a DNA solution, intercalating agent quantitation of PCR product, agarose gel quantitation of PCR product, mRNA quantitation, and readout signal for each position in an array; defining a set of process types consisting of incubating, PCR cycling, denaturing arrays, prepare probe from RNA, hybridize probe with array, incubate data recording media screens, and readout data recording screen; performing one or more operations of said set of operation types, wherein performing any one of said operations creates one or more new containers with a unique identifier, and wherein said one or more new containers with a unique identifier is one of said container types in said set of container types; performing one or more processes of said set of process types on said one or more new containers, wherein performing any one of said processes changes a state in said one or more new containers; and performing one or more measurements of said set of measurement types, wherein performing any one of said measurements results in associating data with content in said one or more new containers in order to record information from an RNA transcript profiling laboratory procedure in a database. The closest prior art, Greenbowe et al. (U.S. Patent No. 5,813,865) disclosing a system for teaching science and engineering, fails to suggest the claimed limitations as mentioned above in combination with other claimed elements. The above features in conjunction with all other limitations of the dependent and independent claims 13-14 are hereby allowed.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 571-272-4036. The examiner can normally be reached on 9:30-6:00(M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E. BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joon Hwang
Patent Examiner
Technology Center 2100

8/2/05



JEAN M. CORRIELUS
PRIMARY EXAMINER